

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DEISY JAIMES, <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 17-cv-08291
)	
v.)	
)	Hon. Judge Jorge L. Alonso
COOK COUNTY, <i>et al.</i> ,)	Hon. Judge Sidney I. Schenkier
)	
Defendants.)	JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION TO COMPEL COMPLIANCE WITH COURT ORDER AND
SECOND MOTION TO COMPEL DISCOVERY**

Now Come Plaintiffs, by and through their attorneys, Loevy and Loevy, and hereby respectfully move this Court to order Defendant Cook County to comply with the Court's order to produce discovery and to supplement their response to Plaintiffs' First Set of Requests for Production No. 9 with Cook County's insurance policies. In support thereof, Plaintiffs state as follows:

1. This case was filed on November 15, 2017 and the parties had their initial scheduling conference in February of 2018. This Court granted a second motion to extend the discovery schedule in July of 2018, ordering the parties to complete discovery by April 29, 2019. This Court made clear this extension was final and no further requests for extension of time would be granted. *See* Doc. No. 67.

2. Plaintiffs have been diligently working to complete discovery and ready their case for trial. Plaintiffs served their initial discovery requests in July 2018 and agreed to several extensions for Defendant Cook County's responses. In October 2018, Plaintiffs moved to compel

responses to their requests. This Court granted Plaintiffs' motion on October 29, 2018. *See* Doc. No. 87.

3. Despite this Court's order, Defendants have not produced all of the documents ordered by the Court. Plaintiffs have taken Rule 30(b)(6) depositions in this case, but cannot proceed with defendant and third party depositions of relevant Cook County Sheriff's Department employees without the discovery ordered by the Court.

4. Specifically, Plaintiffs' First Set of Requests for Production No. 18 requests:

All Documents relating to all Complaints by detainees or inmates at Cook County Jail, or any other Persons, alleging inappropriate or excessive force, abuse (including but not limited to domestic abuse), beating, assault, or any kind of violence or misconduct committed by any Cook County Sheriff's Department or Cook County Jail employee and/or Cook County Defendants from the period of November 2010 - 2015.

5. The Court ordered Defendant Cook County to produce documents responsive to RFP No. 18 on a rolling basis beginning November 19, 2018 and to be completed by no later than December 21, 2018. *Id.* The Court also ordered Defendant Cook County to produce a sample of 40 files responsive to RFP No. 18 by November 28, 2018. *Id.*

6. After producing the sample of 40 files in January 2019, Defendant Cook County has not produced any other documents. On January 8, 2019, the parties conferred about the scope of the request. The parties agreed that the next batches in the rolling productions of complaints should encompass: (a) all Cook County officer complaints against other Cook County officers; (b) all citizen complaints against Cook County officers, including family members complaining against Cook County officers; and (c) any other third party complaints against Cook County officers. The parties further agreed that inmate complaints against officers would continue to be produced on a rolling basis after these categories of complaints have been provided. *See* Exhibit A (Plaintiffs' counsel 1/10/19 email to defense counsel).

7. On January 22, Plaintiffs' counsel inquired about the outstanding discovery. Defendant did not respond. *See* Ex. B (Plaintiffs' counsel 1/22/19 email to defense counsel). On February 6, Plaintiffs' counsel again inquired about the outstanding discovery. Defense counsel responded that they had received some documents and were preparing them for disclosure. *See* Ex. C (Counsels' 2/6/19 emails).

8. On February 11, Defendant produced documents in response to Plaintiffs' Second Set of Requests for Production. This production did not include the outstanding discovery responsive to Plaintiff's First Set of Requests for Production No. 18. *See* Ex. D (Defense paralegal 2/11/19 email to Plaintiffs' counsel).

9. After receiving the production, Plaintiffs again inquired about the outstanding discovery on February 15 and 20. *See* Ex. E (Counsels' 2/15/19 emails and Plaintiffs' counsel's 2/20/19 email to defense counsel). Defense counsel did not indicate when the documents would be produced.

10. On February 28, defense counsel informed Plaintiffs' counsel that it would be producing documents in response to Plaintiffs' Third Set of Requests for Production. Plaintiffs' counsel responded that there was still outstanding discovery from Plaintiffs' First Set of Request for Production. Defendant did not respond. *See* Ex. F (Counsels' 2/28/19 emails).

11. Plaintiffs therefore respectfully request that the Court order the Defendant to comply with its October 29 Order and produce responsive documents to Plaintiffs' RFP No. 18 in no later than two weeks.

12. In addition, a second category of documents remains outstanding. In July 2018, Plaintiffs requested Cook County's insurance policies. Plaintiffs renewed their request in November 2018. *See* Ex. G (Plaintiffs' counsel 11/27/18 email to defense counsel).

13. On February 21, 2019, Defendant amended its response to Plaintiffs' discovery request regarding the insurance policies with the policy numbers but did not produce the policies themselves. *See* Ex. H (Defendant Cook County's amended response to Plaintiffs' RFP No. 9).

14. Plaintiffs requested on February 21 and 28 that Defendant produce the policies themselves. Defendant failed to respond. *See* Ex. I (Plaintiffs' counsel's 2/21/19 and 2/28/19 emails to defense counsel).

15. Plaintiffs therefore also respectfully request that this Court compel the Defendant to produce the insurance policies.

WHEREFORE, Plaintiffs respectfully ask this Court for an order compelling compliance with its order to produce documents in response to Plaintiffs' First Set of Requests for Production No. 18 and supplement its response to Plaintiffs' First Set of Requests for Production No. 9 with the insurance policies.

Respectfully submitted,

/s/ Danielle Hamilton
One of Plaintiffs' Attorneys

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CERTIFICATE OF SERVICE

I, Danielle Hamilton, an attorney, certify that on March 6, 2019, I filed the foregoing Plaintiffs' Motion to Compel Compliance with Court Order and Second Motion to Compel Discovery using the Court's CM/ECF system, which effected service on all counsel of record.

/s/ Danielle Hamilton
One of Plaintiffs' Attorneys